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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,208	11/19/2001	Kazuyuki Ohhashi	P21699	8111

7055 7590 02/09/2007
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

AGHDAM, FRESHTEH N

ART UNIT	PAPER NUMBER
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2611

NOTIFICATION DATE	DELIVERY MODE
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02/09/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/988,208	Applicant(s) OHHASHI, KAZUYUKI	
	Examiner Freshteh N. Aghdam	Art Unit 2611	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)):

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 15.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: SEE ATTACHMENT.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 1/26/2007 have been fully considered but they are not persuasive.

Applicant's Arguments: On page 3, applicant argues, "while multiple components of element 201 in Sato are each individual sign inverters, element 201 is a phase shifter. Thus, element 201 in Sato is not properly characterized (i.e., interpreted) as a sign inversion circuit."

On the same page, applicant argues, "there is no proper motivation to place such an amplitude adjustment circuit between phase shifter 201 and phase shifter 202 in Sato insofar as the Admitted Prior Art shown in FIG. 4B explicitly discloses that amplitude adjustment occurs before phase offset. Accordingly, even the modification of Sato with the Admitted Prior Art shown in FIG. 4B would result in the amplitude adjustment circuit being placed before phase shifter 201 and phase shifter 202 in Sato.

On the same page applicant argues, "Additionally, the Final Official Action mischaracterizes the amplitude limiter 36 of Omori as an "amplitude multiplier" as in Sato, and a quadrature modulator 35 of Omori as a "sign inverter" as in claim 15, so as to justify the assertion that Omori suggests a motivation for placing a sign inverter before an amplitude multiplier. There is no proper explanation in the Final Official Action for these mischaracterizations of the teachings of Omori, and Applicant does not believe that any such proper explanation is available."

Art Unit: 2611

Examiner's Response: Regarding applicant's first argument that the element 201 in Sato is not properly characterized (i.e., interpreted) as a sign inversion circuit, Sato discloses a transmitter including a sign inversion circuitry (Fig. 2, means 201, means 302-303; Col. 4, Lines 44-67; Col. 5, Lines 1-53). Additionally, the applicant admits in the most recent remarks that column 5 of Sato discloses that the element 201 includes a sign inversion circuitry (Pg. 3, Lines 1-5).

Regarding applicant's second argument that there is no proper motivation to place such an amplitude adjustment circuit between phase shifter 201 and 202 as taught by the instant application's disclosed prior art, there are three components that are coupled together in the order of the "sign inverter" is connected to the "amplitude adjustment circuit" and the "amplitude adjustment circuit" is connected to the "phase shifter". Sato clearly discloses that phase shifter 201 performs sign inversion (means 201; Fig. 2, means 302-303; Col. 5, Lines 6-36) that is coupled to a phase shifter (means 202), which the phase shift amount is less than 90 degrees. The instant application's disclosed prior art teaches that the "amplitude adjustment circuit" is placed before the "phase shifter" (Fig. 4B) in order to improve the level of a reception signal and clearly distinguish between interference signals from other mobile stations and the original reception signal (Pg. 2, Lines 1-5).

Regarding applicant's third argument that the Final Official Action mischaracterizes the amplitude limiter 36 of Omori as an "amplitude multiplier" as in Sato, and a quadrature modulator 35 of Omori as a "sign inverter" as in claim 15, so as to justify the assertion that Omori suggests a motivation for placing a sign inverter

Art Unit: 2611

before an amplitude multiplier, Omori teaches placing the "amplitude adjustment circuit" after the "sign inverter" (Fig. 3; Col. 2, Lines 29-64) in order to obtain the desired transmission signal by making the amplitude uniform (Col. 2, Lines 56-64).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freshteh N. Aghdam whose telephone number is (571) 272-6037. The examiner can normally be reached on Monday through Friday 9:00-5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Freshteh Aghdam
February 5, 2007


KEVIN BURD
PRIMARY EXAMINER